

REMARKS

This Response is submitted in reply to the Office Action of November 26, 2008, and in accordance with the telephone interview courteously granted to Applicant's representative on January 29, 2009. Claims 1, 8, 14 to 17, 22, 29, 30, 34, 40 to 43, 48, 55 and 56 have been amended. No new matter has been introduced by these amendments. A Request for Continued Examination is submitted herewith. Please charge deposit account number 02-1818 to cover the cost of the RCE and any other fees due in connection with this Response.

The Office Action rejected Claims 1 to 7, 9 to 14, 16 to 21, 23 to 28, 30 to 33, 35 to 40, 42 to 47, and 49 to 54, and 56 under 35 U.S.C. § 103(a) as being unpatentable over GB 2353128A to Claypole ("Claypole") in view of U.S. Patent no. 6,843,721 to Vancura ("Vancura"). Applicant respectfully disagrees with these rejections. Nevertheless, as discussed during the interview, certain of the claims have been amended to clarify the existing claim elements.

During the interview, the Examiner requested that Applicant point to the specific portions of the specification which support the amendments made to the claims. Support for the at least one display device, the at least one input device, the at least one processor, and the at least one memory device which stores a plurality of instructions executable by the processor can at least be found at Page 8, lines 7 to 33. Support for the other amendments made to independent Claims 1 and 17 can at least be found at Page 26, lines 19 to 21; Page 27, lines 4 to 14; and Page 27, lines 23 to 31. Support for the amendments made to independent Claims 30 and 43 can at least be found at Page 29, lines 1 to 7.

Page 3 of the Office Action acknowledges that Claypole is silent regarding how the game ends. The Office Action further states that Vancura discloses a method for playing a casino game that ends randomly after each player choice of an object. The Office Action concludes that it would have been obvious to incorporate this feature of Vancura into the Claypole game to further increase the strategic difficulty of the game.

As agreed upon during the interview, the gaming device resulting from the combination of Claypole and Vancura does not include a plurality of instructions which when executed by the at least one processor cause the at least one processor to operate with the at least one display device and the at least one input device, for a single play of a game, to: (a) enable a player to place a wager for the single play of the game, the game associated with a plurality of displayed award groups, each of the award groups including at least one indicator, a plurality of the award groups including a plurality of indicators, each of the award groups associated with at least one of a plurality of awards; (b) cause an indicator generator of the at least one display device to generate and associate a number of indicators with each of the award groups; (c) for each of the award groups, accumulate a quantity of indicators corresponding to the number of indicators that is associated with that award group by the indicator generator; (d) without requiring any additional wager by the player, repeat (b) to (c) until all of the indicators have been accumulated in at least one of the award groups; and (e) when all of the indicators have been accumulated in at least one of the award groups: (i) provide to the player the awards associated with any award groups in which all of the indicators have been accumulated, (ii) after providing the awards associated with any award groups in which all of the indicators have been accumulated to the player, randomly determine whether to end the single play of the game, and (iii) if it is determined not to end the single play of the game: (A) reset the indicators in the award groups associated with the awards provided to the player, and (B) provide the player with at least one opportunity to win at least one additional award for accumulating all of the indicators in at least one of the award groups by repeating (b) to (e) until it is determined to end the single play of the game without requiring any additional wager by the player.

As discussed during the interview, in Claypole, the player attempts to accumulate all of the positions in one or more trails over a plurality of plays of the game or spins of the reels. Each time a player spins the reels, the player must place a wager. After each reel spin, if any symbols associated with trail points are indicated on the reels, the gaming device enables the player to use those trail

points to advance along one or more of the trails. In this manner, Claypole provides a persistence type game, in which a player progresses along the trails over a plurality of plays of the game or spins of the reels. Since the player must make a wager each time the player spins the reels, it could require several reel spins (i.e., plays of the game) and thus several wagers for the player to accumulate enough positions in one or more of the trails to win the award(s) associated with the trails.

In the gaming device of amended independent Claim 1, on the other hand, the processor operates to, without requiring any additional wager by the player, repeat (b) to (c) until all of the indicators have been accumulated in at least one of the award groups. Additionally, when all of the indicators have been accumulated in at least one of the award groups, and the determination is not to end the single play of the game, the processor operates to: (A) reset the indicators in the award groups associated with the awards provided to the player, and (B) provide the player with at least one opportunity to win at least one additional award for accumulating all of the indicators in at least one of the award groups by repeating (b) to (e) until it is determined to end the single play of the game without requiring any additional wager by the player. Thus, in the same play of the game and without requiring an additional wager by the player, indicators continue to be accumulated in the award groups until all of the indicators have been accumulated in at least one of the award groups.

Therefore, regardless of whether it would have obvious to modify Claypole to include randomly determining when to end the game, as taught by Vancura, the gaming device resulting from the proposed combination would not achieve the gaming device of amended independent Claim 1.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that amended independent Claim 1 and the claims depending therefrom are each patentably distinguished over the combination of Claypole and Vancura.

For reasons similar to those discussed above with respect to amended independent Claim 1, amended independent Claim 17 and the claims depending

therefrom are each patentably distinguished over the combination of Claypole and Vancura.

Amended independent Claim 30 is directed to a gaming device including at least one processor which operates with at least one display device and at least one input device, for a single play of a game, to: (a) enable a player to place a wager on the single play of the game, the game associated with a plurality of displayed award groups, each of the award groups including at least one indicator, a plurality of the award groups including a plurality of indicators, each of the award groups associated with at least one of a plurality of awards; (b) cause an indicator generator of the at least one display device to generate and associate a number of indicators with each of the award groups; (c) accumulate a quantity of indicators in each of the award groups corresponding to the number of indicators associated with that award group by the indicator generator; (d) without requiring any additional wager by the player, repeat (b) to (c) until all of the indicators have been accumulated in at least one of the award groups; and (e) when all of the indicators have been accumulated in at least one of the award groups: (i) indicate the awards associated with any award groups in which all of the indicators have been accumulated, (ii) randomly determine whether to provide any of the indicated awards to a player, (iii) if it is determined not to provide the indicated awards to the player: (A) reset the indicators in the award groups associated with the indicated awards, and (B) without requiring any additional wager, repeat (b) to (e) by the player until it is determined to provide the indicated awards to the player, and (iv) if it is determined to provide the indicated awards to the player, provide any indicated awards to the player and terminate the single play of the game.

As agreed upon during the interview, the combination of Claypole and Vancura does not result in a gaming device which includes at least one processor which operates, for a single play of a game, to: (a) enable a player to place a wager on the single play of the game, the game associated with a plurality of displayed award groups, each of the award groups including at least one indicator, a plurality of the award groups including a plurality of indicators,

each of the award groups associated with at least one of a plurality of awards; (b) cause an indicator generator of the at least one display device to generate and associate a number of indicators with each of the award groups; (c) accumulate a quantity of indicators in each of the award groups corresponding to the number of indicators associated with that award group by the indicator generator; (d) without requiring any additional wager by the player, repeat (b) to (c) until all of the indicators have been accumulated in at least one of the award groups; and (e) when all of the indicators have been accumulated in at least one of the award groups: (i) indicate the awards associated with any award groups in which all of the indicators have been accumulated, (ii) randomly determine whether to provide any of the indicated awards to a player, (iii) if it is determined not to provide the indicated awards to the player: (A) reset the indicators in the award groups associated with the indicated awards, and (B) without requiring any additional wager by the player, repeat (b) to (e) until it is determined to provide the indicated awards to the player, and (iv) if it is determined to provide the indicated awards to the player, provide any indicated awards to the player and terminate the single play of the game.

Accordingly, for at least the reasons discussed above, Applicant respectfully submits that amended independent Claim 30 and the claims depending therefrom are each patentably distinguished over the combination of Claypole and Vancura.

For reasons similar to those discussed above with respect to amended independent Claim 30, amended independent Claim 43 and the claims depending therefrom are each patentably distinguished over the combination of Claypole and Vancura.

The Office Action rejected Claims 8,15, 22, 29, 34, 41, 48, and 55 under 35 U.S.C. § 103(a) as being unpatentable over Claypole in view of Vancura, in further view of U.S. Patent Application No. 2003/0036418 to Seelig. Applicant respectfully submits that the patentability of amended independent Claims 1, 17, 30, and 43 renders these rejections moot.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such act is courteously solicited. If the Examiner has any questions regarding this response, Applicant respectfully requests that the Examiner contact the undersigned attorney.

Respectfully submitted,

BELL, BOYD & LLOYD LLP

BY



Adam H. Masia
Reg. No. 35,602
Customer No. 29159

Dated: February 26, 2009